

RULE 39

(As amended June 23, 1998)

COURTROOM PRACTICE

(a) Opening Statements

Opening statements shall not be argumentative, and shall not exceed thirty minutes in length, except by leave of Court. Counsel for the defendant may make an opening statement immediately following the plaintiff's opening statement, or counsel may reserve the right to do so until the close of the plaintiff's evidence.

(b) Closing Arguments

The length of closing arguments shall be fixed by the Court. Only one attorney shall argue for each party, except by leave of Court. The plaintiff in a civil action and the claimant in a land condemnation action shall argue first, and may reserve for rebuttal such time as shall be fixed by the Court.

(c) Examination of Witnesses

(1) The examination of a particular witness, and objections relating to that examination, shall be made by one attorney for each party, except by leave of Court.

(2) Upon oral motion of a party or on its own motion, the Court may order on such terms as it may prescribe, that a witness under examination in court shall not discuss the witness's testimony, including during any recess taken during the examination or before the witness is finally excused.

(d) Attorneys as Witnesses

No attorney shall without leave of Court conduct the trial of a jury action in which the attorney is a witness for the party represented at trial.

(e) Trial Day

(1) The presiding judge shall establish the limits of the trial day.

(2) In a civil case, the presiding judge may, after consulting with the trial lawyers, establish the amount of time that each side will have for its case, including its cross-examination of witnesses. Such limits may be exceeded only for good cause shown, taking into account, among other things, the lawyers' efficient use of the time already allotted. The courtroom deputy clerk will maintain a continuing record of time used by a party in such a case.

(f) Exhibits

(1) Custody and Marking. All exhibits shall be marked for identification prior to trial in accordance with the final pretrial order. Unless otherwise ordered by the Court, all exhibits offered in evidence, whether admitted or excluded, shall be held in the custody of the Clerk during the pendency of the proceedings, except that exhibits which because of their size or nature require special handling shall remain in the possession of the party introducing them. Exhibits retained by counsel shall be preserved in the form in which they were offered until the proceeding is finally concluded.

(2) Return. Unless otherwise ordered by the Court, at the conclusion of the proceeding, all nondocumentary exhibits shall be returned to the submitting parties who shall keep them in the form in which they had been offered and who shall make them available for the use of other parties, the Court, or an appellate court until the expiration of any appeal. Any documentary exhibits shall be withdrawn by counsel who offered them within 30 days after the final determination of the action by this or any appellate court. Upon counsel's failure to timely remove any exhibits, the Clerk may, after due notice to counsel, dispose of them as necessary.

(3) Valuable or Bulky Exhibits. A party who offers valuable exhibits shall be responsible for their insurance and protection.

(4) Photographs of Chalks. Counsel may photograph or otherwise copy any chalk in order to make a record of it.

(g) Official Record

The only official record of any court proceeding shall be a record prepared by an authorized court reporter or an electronic sound recording

made by court personnel or a transcript prepared therefrom by professional transcription services, when properly certified in each case.

(h) Cellular Phones

All cellular phones, pagers and recording devices shall be turned off at all times while in any courtroom.